



Express Mail No.: EL 451 595 035 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kern *et al.*

Serial No.: 08/637,752

Group Art Unit: Unassigned

Filed: April 29, 1996

Examiner: Unassigned

For: ADENO-ASSOCIATED VIRUS - ITS  
DIAGNOSTIC USE WITH EARLY  
ABORTION

Attorney Docket No.: 8484-013-999  
NOV 03 2000

RECEIVED  
OFFICE OF PETITIONS

TERMINAL DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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DEC 13 2000  
TC 2800 MAIL ROOM

Pursuant to the request of Examiner James Thomson, Petitioners submit herewith the instant revised Terminal Disclaimer.

Your Petitioner, Laura A. Coruzzi, represents that she is a partner in the law firm of Pennie & Edmonds LLP, the attorneys of record for the present application.

Your Petitioner states that Deutsches Krebsforschungszentrum Stiftung des Öffentlichen Rechts is the Assignee of the entire interest in and to the above identified application by virtue of an assignment dated June 19, 1996 a copy of which is attached. The original is being submitted for recordal in the United States Patent Office under separate cover. This petition is made on behalf of and for the benefit of the Assignee.

Petitioner hereby disclaims a terminal part of any patent granted on the above identified application which would be equivalent to the period of abandonment of this application and hereby agrees that this disclaimer applies to any patent so granted on the above identified application or any application filed subsequent to this disclaimer where such application is entitled to the benefit of the filing date of this application under 35 U.S.C. 120, 121 or 365(c). This disclaimer is binding upon the grantees, their successors and their assigns.

Petitioner hereby confirms that she has reviewed the assignment and, to the best of her knowledge and belief, title is in the Assignee seeking to take action in this matter and that she is empowered to act on behalf of the inventors and Assignee.

Petitioner hereby declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge the Statutory Disclaimer fee of \$110.00 required pursuant to 37 CFR 1.20(d) and any other fees associated with the filing of this document to Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed for such purpose.

Signed this 18<sup>th</sup> day of September, 2000.

Laura A. Coruzzi  
Laura A. Coruzzi

*Laura A. Coruzzi*  
JULY 13, 2000  
30,742  
(Reg. No.)

JOINT

ASSIGNMENT

WHEREAS, WE,

1. Andrea Kern	2. Jürgen Kleinschmidt
3. Karsten Geletnaky	4. Michèle Rabreau
5. Jörg Schlehofer	6. Edda Tobiasch

ASSIGNORS, all citizens of Germany, residing at:

1. Auf der Spreit, Ittlingen, Germany 74930  
2. Weihwiesenweg 5, Bammental, Germany 69245  
3. Römerstrasse 20, Heidelberg, Germany 69115  
4. 13, Rue F. Marceau, Bordeaux, France F-33200  
5. Feilgasse 14, Leiman, Germany 69181  
6. Am Petrus 9, Dossenheim, Germany 69221

are the inventors of the invention in

Adeno-Associated Virus - Its Diagnostic Use With Early Abortion

for which we have executed an application for a Patent of the United States

which is executed on  even date herewith or  \_\_\_\_\_ (date)  
 which is identified by Penning & Edmonds docket no. 8484-013-999  
 which was filed on April 29, 1996, Serial No. 08/

and WHEREAS, Deutsches Krebsforschungszentrum Stiftung des Öffentlichen Rechts having a place of business at Im Neuenheimer Feld 280, Heidelberg, Germany 69120, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose

duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 14. Juni 1996, 1996

*Judith Koenig*

L.S.

State of }  
County of } SS.:  
            }

On this 14th day of June, 1996, before me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_ to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

*JG* Notary Public.

Jung, Notarin

Date 14. Juni 1996, 1996

*K. A. W.*

L.S.

State of }  
County of } SS.:  
            }

On this 14th day of June, 1996, before me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_ to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

*JG* Notary Public.

Jung, Notarin

Date \_\_\_\_\_, 1996

*J. Gauthier* L.S.

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.:

On this 14<sup>e</sup> day of June, 1996, before me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_ to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

*J. Gauthier* Notary Public.

Jung, Notarin

Date 14. Juni 1996, 1996

*J. Gauthier* L.S.

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.:

On this 14<sup>e</sup> day of June, 1996, before me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_ to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

*J. Gauthier* Notary Public.

Date 14. Juni 1996, 1996

*J. Gauthier* L.S.

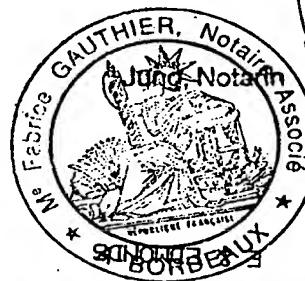
State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.:

On this 14<sup>e</sup> day of June, 1996, before me, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_ to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

*J. Gauthier* Notary Public.

Le Notaire Associé Soussigné, Membre de la SOCIÉTÉ TITULAIRE D'UN OFFICE NOTARIAL, 23, AV. DU JEU DE PAUME A BORDEAUX, certifie uniquement la signature matérielle apposée sur le présent document de Mme Michèle RABEAU.

A BORDEAUX, LE 15 juillet 1996



Date 14. Juni 1996, 1996

L.S.

State of )  
County of ) SS.:  
~~County of~~

On this 14<sup>th</sup> day of June, 1996, before me, a Notary Public in and for the State and County aforesaid, personally appeared                         , who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Notary Public.

J.F. Notarini

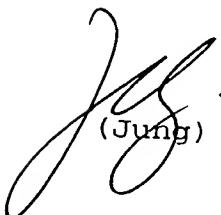
7UR 5208/96

Unterschriftenbeglaubigung

Ich beglaubige als echt vorseitige Unterschriften der durch  
BPA ausgewiesenen:

1. Dr. Jörg Rainer Schlehofer, geb. am 24.01.47, wh. in 69181 Leimen, Feilgasse 14,
2. Dr. Jürgen Andreas Kleinschmidt, geb. am 15.04.47, wh. in Bammental, Weihwiesenwg 5,
3. Karsten Uwe Horst Geletneky, geb. am 05.06.64, wh. in Heidelberg, Mönchgasse 5,
4. Edda Marina Tobiasch, geb. am 23.04.60, wh. in 69221 Dossenheim, Am Petrus 9,
5. Andrea Kern geb. Lörz, geb. am 13.07.64, wh. in 74930 Ittlingen, Auf der Spreit 25.

Heidelberg, 14.06.1996  
Notariat 7 Heidelberg

  
(Jung) Notarin

